

BANGALORE UNIVERSITY BILL, 1964.**Clause by Clause Consideration.***(Debate continued.)*

Sri G. V. GOWDA (Palya).—Sir, I am surprised to find that there is another amendment similar to the one moved by Sri G. Ganji-Veerappa. Yesterday we were under the impression that the amendment was rejected.

Sri C. J. MUCKANNAPPA.—Sir, there is no provision in the Rules of Procedure for the Speaker asking the Government or the Government bringing an amendment when once a similar amendment is rejected.

I have read these books. They say that even if the Speaker feels that the law is going to be defective he can ask the mover of the bill to move the amendment.

Mr. SPEAKER.—I want to correct the impression that the Chair asked the Minister to move an amendment.

Sri C. J. MUCKANNAPPA.—Sir, even under Rules of Procedure and Conduct of Business, at the time of second reading, time can be given for moving amendments and that is also within the discretion of the Chair. He can ask the Minister or a member to move an amendment. In the three books that the Chair has given me, I find nowhere it is stated that after passing a sub clause, the Government can bring in an amendment after a second thought. If the Government wants to rectify it at this stage that means they were not vigilant. Even in the Rules of the House of Commons it is nowhere stated. I was not able to find out any instance where the Government could bring in an amendment in this manner. I went to some of the ex-Speakers and ex-Chairmen just to know whether such a thing had happened. They were surprised to know this. If the Government want to make any amendments, they can do it in the other House. Here, for the sake of an amendment, the Bill should not be killed.

Mr. SPEAKER.—May I know from the hon'ble member how the Bill is killed by this amendment?

Sri C. J. MUCKANNAPPA.—Sir, I am only placing before the House what I have read and understood. Even in our Rules of Procedure the powers of the Chair are limited. The Chair can of course allow a member or a Minister to move an amendment at the appropriate stage. After an amendment is put to vote or rejected nowhere it is found that to the same clause after it is read and put to vote, a fresh amendment can be moved.

I request the Chair to ask the Government to go to the other House, get an amendment passed there and then move the same for the consideration of this House. I also request the Government not to allow the Government to move this amendment.

† **Sri S. SIVAPPA** (Sravanabelagola).—Sir, after accepting or rejecting an amendment, can we go back? Whatever interpretation we may put, it is a question of testing the vigilance of the Government. Giving an amendment so late as this, after the consideration of the sub-clause is over, shows that Government is not vigilant. By accepting any amendment like this, we are allowing the Government to be indolent. They should have been vigilant enough to suggest an amendment at the proper time. I quite agree that the Government can move an amendment even at the last minute but not after the consideration of the sub-clause is over. It is only an afterthought. To set the position right, I suggest that the Hon'ble Education Minister might move an amendment in the upper House and after it is passed there, let him bring it here. I request the Hon'ble Speaker to uphold the dignity of the House so that Government may be vigilant in the future.

Sri G. V. GOWDA.—When I moved an amendment suggesting the substitution of the word 'Chancellor' for 'Government' the Hon'ble Minister said in his reply that after all the Chancellor was not a different person and that there was no need for it. Now to come with an amendment which is contrary to the reply given by the Minister is not tenable.

Sri GANJI VEERAPPA.—Sir, the only point before the House is that when the stage at which this amendment was brought was a stage when we were considering several other amendments. Whether we have rejected some amendments or not, does not come in the way of our taking up this amendment. The point is that clause 2 was not put to the House and that it is still before the House. It is not an afterthought. If the clause had been put to vote and decided and we had proceeded to the next clause, the arguments advanced by my friends might have been valid. There is no question of reopening because the clause has not been put to vote. Under the Rules, Government can move amendments before a clause is put to vote. It is within the discretion of the Chair. We are not going out of the way and establishing a wrong precedent.

Chair's ruling *re*: admissibility of an amendment.

Mr. SPEAKER.—The facts of the matter are not in dispute. A question has been raised that an amendment that has been given by the Hon'ble Minister for Education is not admissible firstly on the ground that it has been tabled late. In my ruling I do not propose to deal with the suggestions that have been made or with the request that has been made to direct the Government to go to the Council, get an amendment passed and then bring it here. When an amendment has been given, my duty is either to accept or reject it. There are definite legal principles so far as this matter is concerned. I shall refer to those principles which have been enunciated not only in the precedents of our own legislature but also in authoritative text books. The whole concept is that so far